

ZONING REFORM TASK FORCE
SEPTEMBER 24, 2007

NEXT STEPS

The current draft of the Community Planning Act (CPA2) bill contains (at least) two promising ideas:

- A. Municipalities should have comprehensive plans and their zoning should be in accordance with those plans (call this “greater responsibility” in planning and zoning)
- B. Municipalities should have greater authority to implement that planning and zoning (such greater authority to be achieved by reducing or eliminating existing statutory limitations on their zoning and subdivision control abilities)

The review of the different perspectives that occurred today suggests that the “greater responsibility” appropriately carried by municipalities should perhaps be restated as:

“Municipalities should have comprehensive plans that are reasonably consistent with state and regional objectives and their zoning should be in accordance with those plans.”

If we proceed (for the moment) in that direction, we should ask ourselves three questions:

- 1. What would it mean to have local planning and zoning that is “reasonably consistent with state and regional objectives”?
- 2. If we are asking communities to carry even greater responsibility in their planning and zoning (than is set forth in CPA2), should we also give them even greater authority to do that job (compared with CPA2)? Are there other “tools” that our local communities should have in this regard?
- 3. Since local communities may feel differently about the benefits of any greater authority and the burdens of any greater responsibility, should “reformed” planning and zoning be implemented by local acceptance on a community by community basis?

At our October meeting, we will examine how we might improve the “toolkit” of local community planning and zoning authority, both in ways suggested by CPA2 and in other ways as well.

At our November meeting, we will discuss how “reasonable consistency with state and regional objectives” might be determined.

Proposed Ground Rules for Further Discussion

To further frame our continuing discussions, the following “ground rules” are proposed:

1. The state and regional objective of promoting the production and preservation of affordable housing (in the technical sense of housing that is legally restricted as to its rent or price) will not be addressed by our proposed planning and zoning reforms. That objective will continue to be addressed by Chapter 40B, Chapter 40R and other state laws, regulations and policies, as they may be amended and revised in other forums.
2. Monetary payments will not be considered in compensation for a community’s undertaking “greater responsibility” in its planning and zoning. Nor will relief from a community’s obligations under Chapter 40B be considered (see prior point). Technical assistance funding for planning and zoning efforts are a separate matter, and may be appropriate.
3. Local non-zoning land use regulations that are more restrictive than state law (for example, with respect to septic systems and wetlands alteration) will not be prohibited.
4. Amendments to the existing educational and religious use exemptions will not be considered.